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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

In re
 MICHAEL J. SCHNEIDER,

 Debtor.

Case No. 06-50441-MM
 Chapter 11 Case

OFFICIAL COMMITTEE OF UNSECURED
 CREDITORS,

 Appellant,

 v.
 MICHAEL J. SCHNEIDER,

 Debtor-in-Possession.

Case No. 07-00219-RMW
 Date: July 13, 2007
 Time: 9:00 AM
 Location: San Jose Division, Ctrm. 6
 Judge: Hon. Ronald M. Whyte

**DECLARATION OF WILLIAM J. LAFFERTY IN SUPPORT OF
CHAPTER 11 TRUSTEE'S MOTION TO DISMISS**

1 I, William J. Lafferty, declare as follows:

2 1. I am an attorney at law, licensed to practice in this State and admitted to practice
3 before this Court. I am a director of the law firm Howard Rice Nemerovski Canady Falk &
4 Rabkin, A Professional Corporation (“Howard Rice”), bankruptcy counsel to Kyle Everett,
5 the Chapter 11 Trustee in the above-captioned putative appeal (“Appeal”). Except where
6 otherwise stated, I make this declaration from personal knowledge and could, if called as a
7 witness, competently testify to the matters set forth herein.

8 2. I make this Declaration in support of the Chapter 11 Trustee’s Motion To
9 Dismiss Appeal (“Motion”), submitted herewith.

10 3. On November 13, 2006, the Trustee filed his Motion To Authorize Sale (Kings
11 Beach Properties), Including Interests Of Certain Co-Owners, Free And Clear Of Liens And
12 Interests, pursuant to Section 363 of the Bankruptcy Code, by which the Trustee sought to
13 have the Bankruptcy Court approve the sale of the Kings Beach Properties. On the same
14 day, the Trustee also filed his Motion To Assume And Assign Leases (Kings Beach
15 Properties), by which the Trustee sought to have the Bankruptcy Court approve the Trustee’s
16 plan to assume the estate’s interest as lessor under certain leases of the Kings Beach
17 Properties and to assign the leases to the purchaser of the Kings Beach Properties. On
18 January 5, 2007, the Bankruptcy Court granted both motions.

19 4. According to the docket, on January 10, 2007, the then-dissolved Official
20 Committee of Unsecured Creditors (“Creditors’ Committee”) purported to file its notice of
21 appeal from the Bankruptcy Court’s orders regarding the sale of the Kings Beach Properties
22 and assumption and assignment of related leases.

23 5. Having reviewed the docket and to the best of my knowledge and belief, the
24 now-dissolved Creditors’ Committee has neither designated the record nor taken any other
25 steps to perfect the Appeal.
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I declare under penalty of perjury of the laws of the United States of America and the State of California that the foregoing is true and accurate in all respects and that this declaration was executed on May 25, 2007, at San Francisco, California.

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